



Indiana Department of Education
SUPPORTING STUDENT SUCCESS

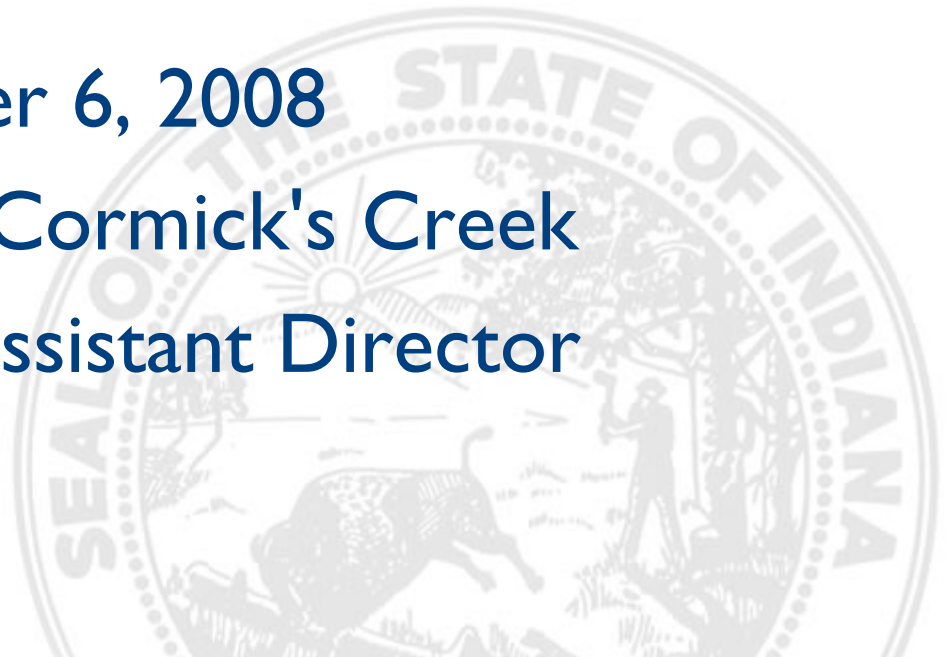
Discussion of Article 7 Changes

The Center for Exceptional Learners

November 6, 2008

Indiana AER, McCormick's Creek

Sharon Knoth, Assistant Director

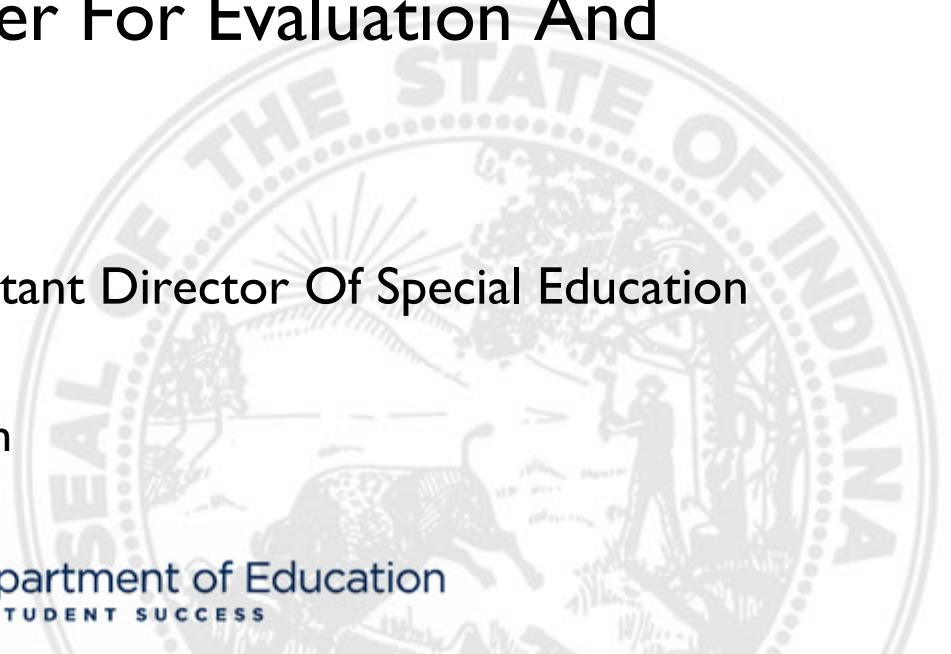


Article 7

- Effective Date: August 13, 2008
- Town Meetings
 - 26 Meetings Altogether
 - 12 Locations Throughout State
- Six Public Hearings
- Fiscal Impact Study: Center For Evaluation And Educational Policy
 - Advisory Team
 - Three Directors / One Assistant Director Of Special Education
 - Three Superintendents
 - Urban, Rural And Suburban



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Article 7

- Available on our website at:
- <http://www.doe.in.gov/exceptional/speced/laws.html>
- All power points used are there as well under:
- <http://www.doe.in.gov/exceptional/speced/resources.html>



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Fiscal Impact Analysis

Table 2

Rule Name	Increase	Decrease	Neutral	Indeterminable	Total
Total - Aligning with IDEA	1	2	1	1	5
Total - Deregulation Permitted by IDEA	0	17	10	0	27
Total - Leaves Decision to State	3	0	3	0	6
Total - Indiana's Response to IDEA	3	0	0	0	3
Total - Required by State Statute or Rule	1	0	1	0	2
Scorecard Grand Total	8	19	15	1	43

Overall Estimated Net Reduction in Expenditures

\$22,114,691.00



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Rule 32: Definitions **ADDED**

- Academic Achievement
- Assessment
- Consultation & Collaboration
- Core Academic Subjects
- Early Intervening Services
- Educational Evaluation
- Eligibility
- Equipment
- Essential Components of Reading Instruction
- Functional Performance
- Highly Qualified
- Homeless Student
- Initiation of Services & Program Modifications
- Institution of Higher Education
- Length & Frequency of Services
- Licensed Personnel
- Print Instructional Materials
- Progress Monitoring
- Scientifically Based Research
- Student w/a Print Disability
 - Summary of Performance
 - Systematic Observation



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Rule 32: Definitions **MODIFIED**

- Assistive Technology Device
- Assistive Technology Service
- Behavioral Intervention Plan
- Consent
- Directory Information
- Free Appropriate Public Education
- Individualized Education Program
- Interim Alternative Educational Setting
- Parent
- Related Services
- Transition Services
- Weapon

Rule 33: General Provisions

- Students with disabilities are entitled to a FAPE upon their third (3rd) birthday up to 22 years of age.
 - Unless the student graduates from high school with a regular diploma, the right to FAPE concludes at the end of the school year in which the student turns 22 years of age.
 - CCC may always determine the student will leave earlier
 - LEAs may “count” (for state funding purposes) students who are 22 years of age and still being served by the LEA under the direction of an IEP
- LEA may access a parent’s private insurance proceeds only if the parent provides informed consent each time the access is sought.



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Rule 34: Nonpublic Schools or Facilities (Parentally-Placed)

- Program offered through service plan not an IEP
- LEA where the nonpublic schools are located is responsible for child find and provision of services
- Preschool children with disabilities aged 3-5 can be considered parentally-placed children under IDEA only if they are enrolled in a private school that is considered an elementary school

Elementary School = A school that provides any combination of kindergarten and grades 1 through 8

- Consent required for disclosure of evaluations between the LEA of the parent's residence and the LEA where the private school is located
- Proportionate share of Part B funds must be spent on this population



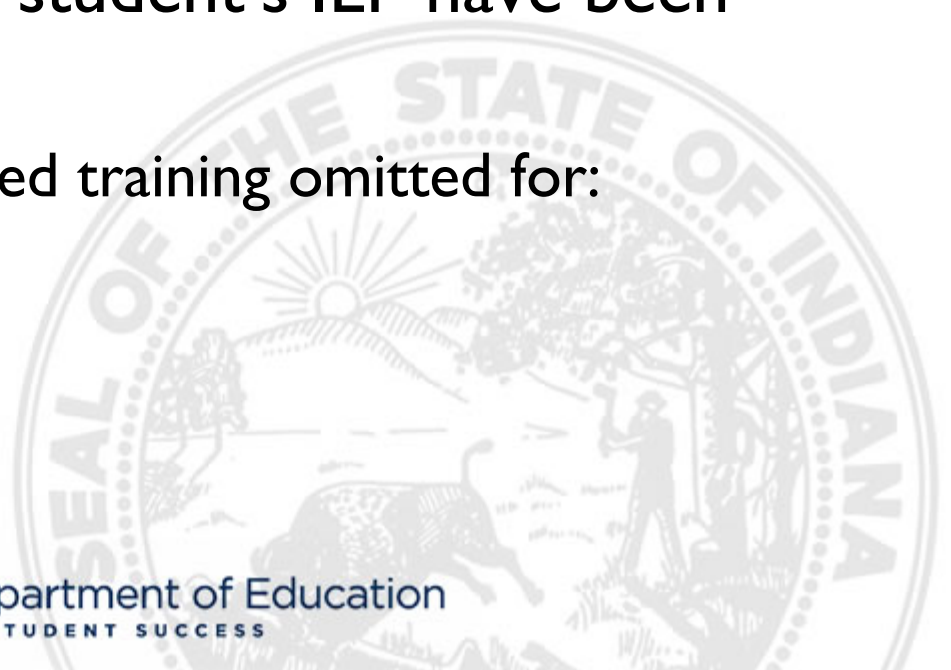
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Rule 35: Program Planning & Evaluation

- The requirements for a Comprehensive Plan have been removed.
- Program monitoring has been expanded.
- Supports for program personnel who are working on implementation of the student's IEP have been expanded.
 - Requirements for specialized training omitted for:
 - Autism Spectrum Disorder
 - Deaf-Blind
 - Other Health Impairment
 - Traumatic Brain Injury



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Rule 36: Special Education Program Personnel

- Expanded previous language on the administration of medication and on state and local assessments.
- Requires increased specificity in the building disaster plan:
 - Must address the individual needs of the students being served in the building
 - Must be reviewed on an annual as well as on an as needed basis
 - Must be implemented during emergency preparedness drills
 - Must be implemented during manmade occurrence drills



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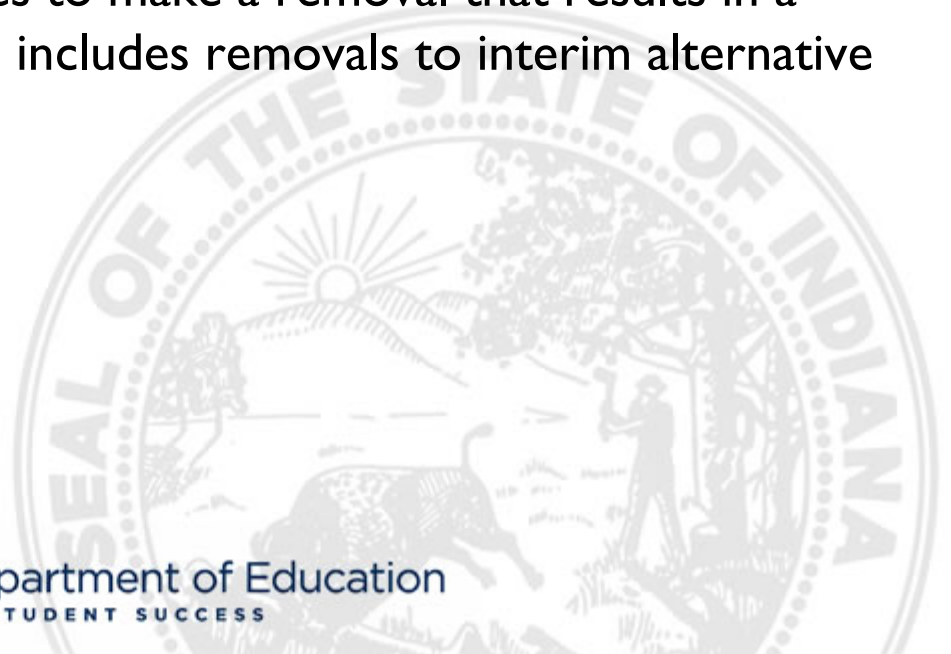
Rule 37: Procedural Safeguards

The notice of procedural safeguards shall be given to the parent of a student with a disability one time each school year, except that a copy also must be given to the parent upon:

- (1) initial referral or parental request for evaluation;
- (2) receipt of the first filing of a complaint in a school year;
- (3) receipt of the first due process hearing request in a school year;
- (4) the date the public agency decides to make a removal that results in a disciplinary change of placement, which includes removals to interim alternative education settings for:
 - (A) weapons;
 - (B) drugs; and
 - (C) serious bodily injury; and
- (5) request by a parent.



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Rule 39: Educational Surrogate Parents

- If the student is a ward of the state and not residing with their parents; consent for an initial educational evaluation is not required if the LEA:
 - Made reasonable attempts to discover and obtain consent from the parents.
 - Has proof that the parents' rights have been terminated.
 - Has proof that the parents' educational decision making rights have been subrogated.
- Foster parents are now included in the definition of “parent” and therefore do not have to be appointed as an ESP.



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Rule 40: Identification and Evaluation

- Child Find
 - The LEA is no longer required to publish public information awareness information activities through the media and other publications which circulate in the area,
 - Deemed to be an ineffective way to find eligible students
 - Child find itself is still required
- Comprehensive and Coordinated Early Intervening Services (CC-EIS)
 - The LEA may not use more than 15% of Part B in any fiscal year to implement CC-EIS.
 - If implemented the LEA must report:
 - Number Served
 - Number Subsequently Referred for Special Education During Preceding Two-Year Period



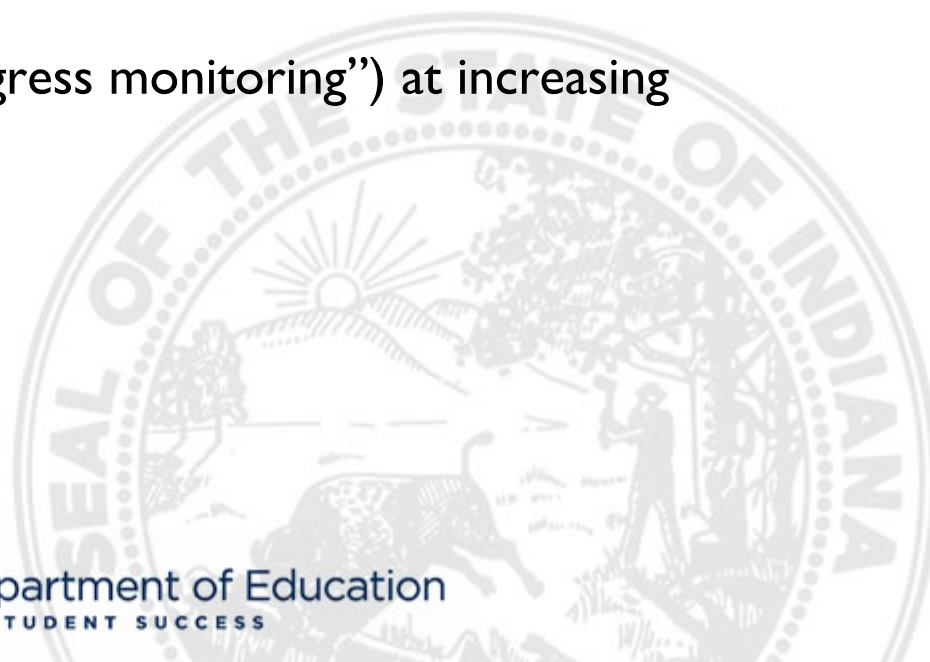
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CC-EIS

- Considerations and Resources for your CC-EIS in three areas:
 - Continuum of curriculum, instruction, & interventions/extensions (C, I, I/E)
 - Assessment & progress monitoring
 - Data-based decision making
- Universal screening to identify students in need of additional intervention/extension
 - Assessment tool/instrument
 - Criterion
- Ongoing, formative assessment (“progress monitoring”) at increasing frequency
 - Assessment tool/instrument
 - Frequency
 - Data management and graphing
 - Defined in 511 IC 7-32-76



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Rule 40: Identification and Evaluation

- Comprehensive and Coordinated Early Intervening Services (CC-EIS)
 - Also referred to as Response to Intervention or RtI
 - Replaces what was formerly known as General Education Intervention or GEI
- When an Intervention NOT Used With ALL Students is Implemented:
 - Parent must be provided written notification including:
 - Amount & Nature of Data to be Collected
 - General Education Services to be Provided
 - Parent Right to Request Educational Evaluation
 - If FULLY Implemented 20 vs. 50 Instructional Day Timeline



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Progress Monitoring

- Determining responsiveness or “adequate progress” requires
 1. Timeline (e.g., number of weeks)
 2. Goal (e.g., based on national, state, local norms and/or rates of improvement)
 3. Sufficient data (prior to and after intervention)
 4. Interpretation of progress monitoring data
 - Visual analysis
 - Analysis of trend (pattern of change over time)
 - Analysis of level (average performance)
 - Analysis of trend and level (dual discrepancy)



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Thinking Beyond Visual Analysis

- Consider other interpretive approaches
 - Analysis of trend
 - Calculating slope, a metric of change
 - Comparing to expected (based on local or national) rates of change (also referred to as rates of improvement, ROI)
 - Analysis of level
 - Comparing student performance with expected level of performance (based on local, state, or national expectations)
 - Analysis of trend and level
 - An example: Student..
 - Makes less progress than other students at the 25th percentile AND
 - Performs below the level expected at the 10th percentile based on district norms



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Rule 40: Identification and Evaluation

- LEA is no longer required (but still may) use mediation or a due process hearing to pursue an initial educational evaluation when parent refuses to consent.
- NEW Evaluation Timelines
 - Parent Makes Request
 - Must be made to licensed personnel of the LEA
 - May be verbal or written
 - LEA has 10 instructional days from the date of the parent's request to provide the parent with written notice
 - Review the educational record of the student
 - Determine yes / no on moving forward on parent request



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Rule 40: Identification and Evaluation

- If NO – LEA is not going to evaluate the student written notice must include an explanation of due process rights
- If YES – must specify which assessment(s) will be provided
 - Cannot just have a laundry list
 - Parent must know/be able to understand which assessment(s) will be administered
 - Provided in parent's native language
 - Must ensure the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs (regardless of whether commonly linked to the suspected disability categories)



Rule 40: Identification and Evaluation

- Sufficient proof that the parent had the written notice in their possession within 10 instructional days from the date on which the parent made the request to licensed personnel
- No timeline for when parent must provide consent
 - May want to be sure you know to whom the parent is going to give written consent
 - Cannot mandate the specific licensed personnel to whom the parent must give their written consent
 - Cannot provide consent until written notice has been provided
- 50 instructional day timeline begins once licensed personnel receive written consent from the parent



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Rule 40: Identification and Evaluation

- When parent provides written consent may also request:
 - A copy of the educational evaluation to be provided prior to the CCC meeting **and/or**
 - A meeting to have the results of the educational evaluation explained prior to the CCC meeting
- When the suspected disability is solely language or speech impairment –
 - If SPEECH ONLY the SLP may be the sole evaluator
 - If LANGUAGE IMPAIRMENT a qualified professional from a different discipline must be involved

Rule 40: Identification and Evaluation

- Once found eligible, any subsequent evaluation is a reevaluation even if the student is being evaluated because a different or additional eligibility category is suspected.
 - Reevaluation determined at ACR, reevaluation must occur by next regularly scheduled CCC meeting unless determined otherwise
 - Request for reevaluation to determine eligibility under a different or additional exceptionality area or to determine a need for related service or assistive technology
 - Must Occur Within 50 Instructional Days of Parent Consent



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Rule 41: Eligibility Criteria

- Autism Spectrum Disorder
- Blind or Low Vision
- Cognitive Disability
- Deaf or Hard of Hearing
- Deaf-Blind
- Developmental Delay (Early Childhood ONLY)
- Emotional Disability
- Language or Speech Impairment
- Multiple Disabilities



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Rule 41: Eligibility Criteria

- Other Health Impairment
 - Orthopedic Impairment
 - Specific Learning Disability
 - Traumatic Brain Injury
-
- Individualized Norm Reference Assessment (IQ Test) only required for Cognitive Disability, Multiple Disabilities and Traumatic Brain Injury
 - Multidisciplinary Assessment Team may always choose to administer INRA



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Rule 41: Eligibility Criteria

511 IAC 7-41-2 Blind or low vision

Sec. 2. (a) “Blind or low vision”, which may be referred to as a visual impairment, means a disability that even with best correction affects the student's ability to use vision for learning, which adversely affects the student's educational performance. The term:

- (1) includes a reduced ability or a complete inability to utilize the visual system to acquire information; and
 - (2) may include or be limited to a reduction in field of vision.
- (b) Eligibility for special education as a student who is blind or has low vision shall be determined by the student's CCC. This determination shall be based on the multidisciplinary team's educational evaluation report described in 511 IAC 7-40-5(e), which includes the following:
- (1) An assessment of the following:
 - (A) Current academic achievement as defined at 511 IAC 7-32-2.
 - (B) Functional skills or adaptive behavior across various environments from multiple sources.
 - (2) A social and developmental history that may include, but is not limited to, the following:
 - (A) Communication skills.
 - (B) Social interaction skills.
 - (C) Motor skills.
 - (D) Responses to sensory experiences.
 - (E) Relevant family and environmental information.



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Rule 41: Eligibility Criteria

- Blind or Low Vision (continued)
 - (3) An assessment of the following:
 - (A) Functional vision.
 - (B) Functional literacy as described in 511 IAC 7-42-6(c)(5).
 - (4) A systematic observation of the student across various environments.
 - (5) An assessment of motor skills, which may include travel skills.
 - (6) A written report from an optometrist or an ophthalmologist that includes the following:
 - (A) Etiology and prognosis of the visual dysfunction.
 - (B) Secondary or accompanying visual conditions, such as nystagmus or photophobia, if appropriate.
 - (C) Near/distance and corrected/uncorrected acuity measures for left, right, and both eyes, as appropriate.
 - (D) Measures of visual fields for both eyes, if appropriate.
 - (E) Recommendations for use of aids, glasses, or lighting requirements, if appropriate.
 - (7) Any other assessments and information, collected prior to referral or during the educational evaluation, necessary to:
 - (A) determine eligibility for special education and related services; and
 - (B) inform the student's CCC of the student's special education and related services needs.



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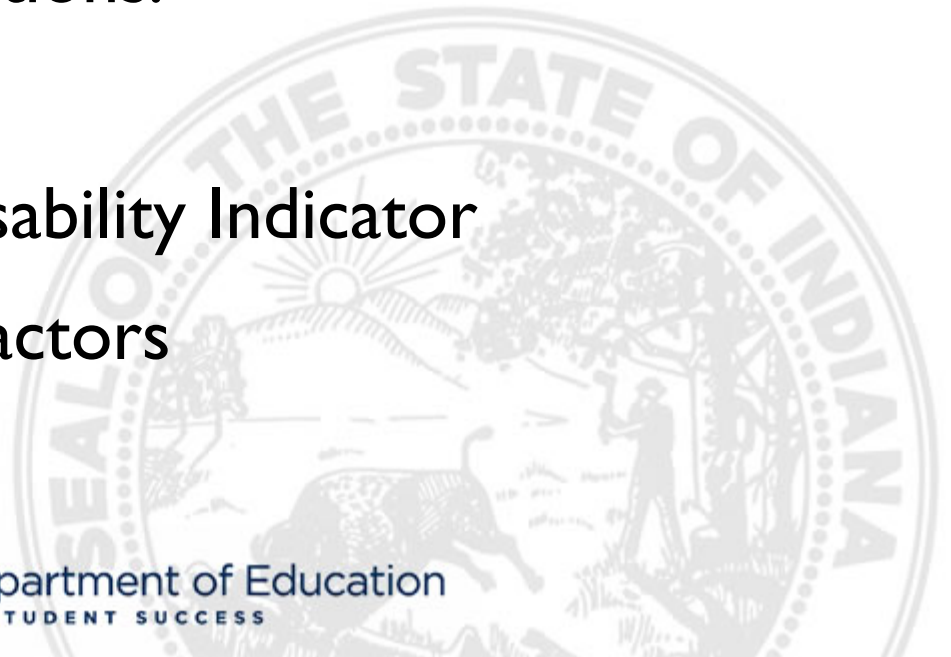
Rule 41: Eligibility Criteria

Identification of a Specific Learning Disability

- Discrepancy Model for SLD Prohibited
- Involves Three Considerations:
 - Underachievement
 - Specific Learning Disability Indicator
 - Exclusion of other factors



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Rule 4I: Eligibility Criteria

- Assessments of Functional Skills or Adaptive Behavior
 - Across Various Environments
 - From Multiple Sources
- Medical Information
 - Required for:
 - Blind or Low Vision
 - Deaf or Hard of Hearing
 - Deaf-Blind
 - Otherwise limited to available medical information that is educationally relevant
 - If school wants it, school pays for it (unless parent able to provide)



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Rule 41: Eligibility Criteria

- Systematic observation emphasizes
 - Specifying behaviors to be observed in advance
 - Using structured and standardized observation procedures (e.g., interval recording, frequency)
- Various environments and multiple sources
 - Applies to observation, functional skills, adaptive skills
 - Can include multiple school environments, if appropriate for student
- No longer required to do an ABS on all students



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Rule 42: Determination of Services

- CCC Participants and Excusals
 - Three Categories of Personnel
 - Category 1: Persons who must be present at every CCC meeting
 - Category 2: Persons who must be present under specific circumstances
 - Category 3: Persons who must be invited under specific circumstances
 - A Category 1 may be excused in whole or in part from CCC meeting if parent and LEA agree in writing that their attendance is not necessary because their area of the curriculum or related services is not being modified or discussed
 - The parent must agree in writing and the LEA must consent to the excuse
 - The individual submits in writing input toward the development of the IEP prior to the CCC meeting



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Rule 42: Determination of Services

- CCC Participants and Excusals
 - For Category 2:
 - When CCC is considering initial eligibility – must have a member of the multidisciplinary team in attendance
 - If a student is currently or is being considered for enrollment in a State Operated School a representative from the school must be in attendance
 - If the LEA is placing the student in a nonpublic school or facility ****OR**** developing service plan for a parentally-placed nonpublic school student the CCC must include:
 - A representative of the nonpublic school or facility
 - » If they cannot attend, the LEA must use other methods to ensure their participation



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Rule 42: Determination of Services

- CCC Participants and Excusals
 - For Category 3:
 - When a student is transitioning from First Steps to Part B the First Steps coordinator (or other representative) must, at the request of the parent, be invited
 - When postsecondary goals are being considered and a transition IEP is being developed the student must be invited as must any representative from a participating agency other than the LEA who may likely be responsible for providing or paying for the transition services.
 - MUST have consent of parent to invite
 - Document attempts / results
- At the discretion of the parent or LEA other individuals may also be invited to participate



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Rule 42: Determination of Services

- No later than five instructional days prior to the initial CCC meeting the LEA must provide the parent with written notice containing:

- A description and overall findings of each:

- Evaluation
- Procedure
- Assessment
- Record
- Report

Used as a basis for any proposed action

- A description of the action that may be proposed by the LEA
- An explanation of why that action may be proposed



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Rule 42: Determination of Services

- For students being assessed in ISTAR the IEP must include benchmarks or short-term objectives.
OPTIONAL for all other students.
- Consent is not required for a change of educational placement
 - Written Notice must be received by the parent no later than 10 business days after the date of the CCC meeting
 - May be the IEP if the IEP includes all required components
 - IEP is implemented on 11th instructional day unless the proposed change in the IEP is challenged by the parent
 - Request an additional meeting to facilitate the disagreement
 - Initiates mediation
 - Requests a due process hearing



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Rule 42: Determination of Services

- A student's CCC must meet not less than annually
- At age 14 or when the student enters the 9th grade (whichever comes first) there must be a transition IEP or T-IEP in place
- Changes (addendums) to the IEP or T-IEP may be made without a CCC meeting if the parent and the LEA agree to not convene a CCC meeting and agree to collaboratively develop a written document to amend or modify the student's current IEP or T-IEP
 - TOR must ensure all CCC participants informed of change



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Rule 43: Related Services, Transitions, Transfer of Rights

- Cochlear Implants / Mapping Specifically Referenced
- At grade 9 or age 14 (whichever occurs first) student must be invited to T-IEP meeting. If doesn't attend, steps taken to ensure his/her preferences/interests are considered.
- Age-appropriate transition assessments are required.
- Beginning not later than one year prior to the student becoming 18 years of age, student and parent must be informed that rights transfer to the student at age 18.
 - Unless specifically provided otherwise in guardianship order



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Review The Data

“WHERE DO OUR STUDENTS END UP?”

- 73% Live in Parent/Relative Home
- 13% Live in Own Place
- 14% Other (e.g., dorm, group home, etc.)
- 46% Employed Full- or Part-Time
- 13% Post Secondary Education Full- or Part-time
- 20% Employed & Post Secondary Education
- 21% Unemployed

[2005-2006 One Year Indiana Post School Follow Up System]



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Are We Helping Our Students Plan Well?

What is our process to collect data on the student's strengths, preferences, interests and needs as they relate to the demands of current and future working, education, living and personal and social environments?

AGE-APPROPRIATE TRANSITION ASSESSMENT



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Have You Documented...

- The student's present level of achievement and functional performance?
- Supports and accommodations needed?
- The ***age-appropriate assessment*** used or will be used?
- The student's performance toward state standards and benchmarks?

[NSTTAC-National Secondary Transition Technical Assistance Center]



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Are We Helping Our Students Plan Well?

- Is the goal outcome-oriented?
- Can it be measured/counted?
- Will it occur after the student leaves secondary education?
- For each measurable postsecondary goal, is there ***evidence of age-appropriate transition assessment*** that provided information on the student's needs, taking into account their strengths, preferences and interests?



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Diploma/Certificate Considerations

- What are the student's postsecondary goals?
- Is participation in remediation courses helping to close the gap between the scores achieved vs. needed?
- Has the graduation waiver option been thoroughly explained and discussed?
- Is the continued pursuance of a diploma (e.g., remediation courses) causing diminished options for work study and employability skills training?

iStart7

Written Notes regarding Other Relevant Factors | View Article 7 Attachments | Edit Student Information Exit

Last, First, Middle Name | STN# 123456789 | Last Annual: 06/14/07 | Revision

Purposes | Evaluation | Initiate | Eligibility | Outcomes | Goals | Provisions | Placement | File

Outcomes

Prior Secondary Goals | **School Outcomes** | State Assessment | Supplemental

Save

Anticipated date of exit from high school or extended secondary services:

☐ The student will pursue a High School Diploma

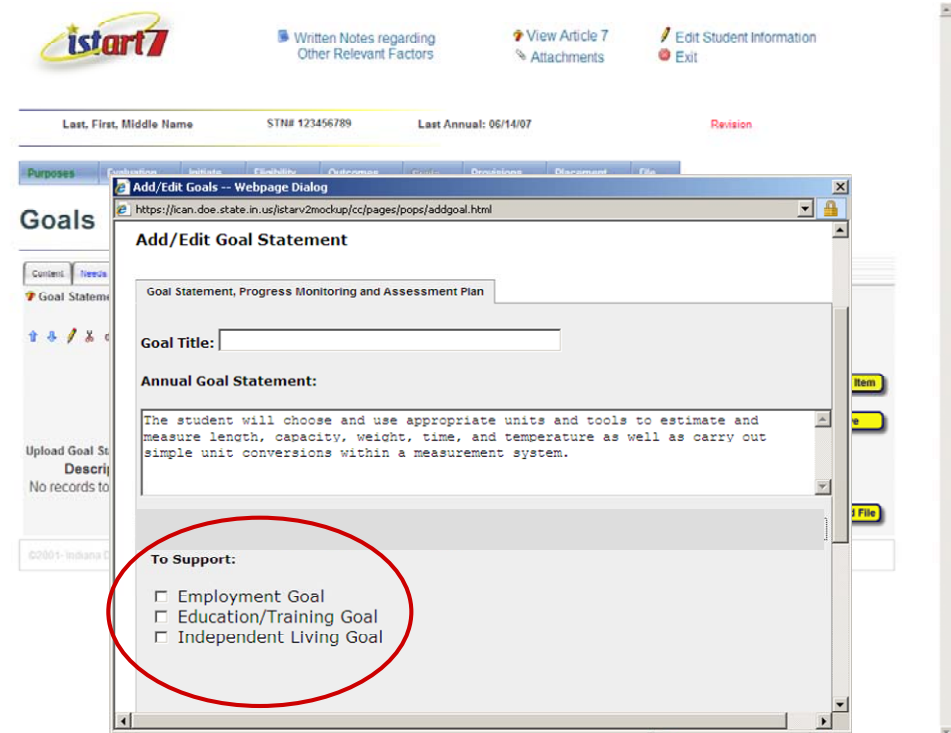
☐ The student will pursue a Certificate of Completion

Save

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Annual Goals

- What does the student need to **achieve** (master some skill or knowledge [not an activity]) this year in order to move toward each measurable postsecondary goal?
- What does the student need to **learn**?
- Is the goal **measurable**?
- Is it **outcome-oriented** rather than process oriented?



istar7

Written Notes regarding Other Relevant Factors

View Article 7 Attachments

Edit Student Information Exit

Last, First, Middle Name STN# 123456789 Last Annual: 06/14/07 Revision

Purposes Add/Edit Goals -- Webpage Dialog

Goals

Contents Search

Goal Statement

Upload Goal Statement Description No records to display

CO001-Indiana Department of Education

Add/Edit Goal Statement

Goal Statement, Progress Monitoring and Assessment Plan

Goal Title:

Annual Goal Statement:

The student will choose and use appropriate units and tools to estimate and measure length, capacity, weight, time, and temperature as well as carry out simple unit conversions within a measurement system.

To Support:

- ☐ Employment Goal
- ☐ Education/Training Goal
- ☐ Independent Living Goal



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Are We Helping The Students Accomplish What They Plan?

- Has Vocational Rehabilitation been involved?
 - Annual review of student information?
 - VR counselor invited to the CCC?
- Has information about adult services been given, in a meaningful manner, i.e. related to the postsecondary goals, to the student and family?



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Are We Helping The Students Accomplish What They Plan?

- What type of opportunities within the building, corporation or community are being accessed by the student?
- What types of collaborative activities are being developed in the community, i.e. with employers, adult service providers, local post secondary institutions?



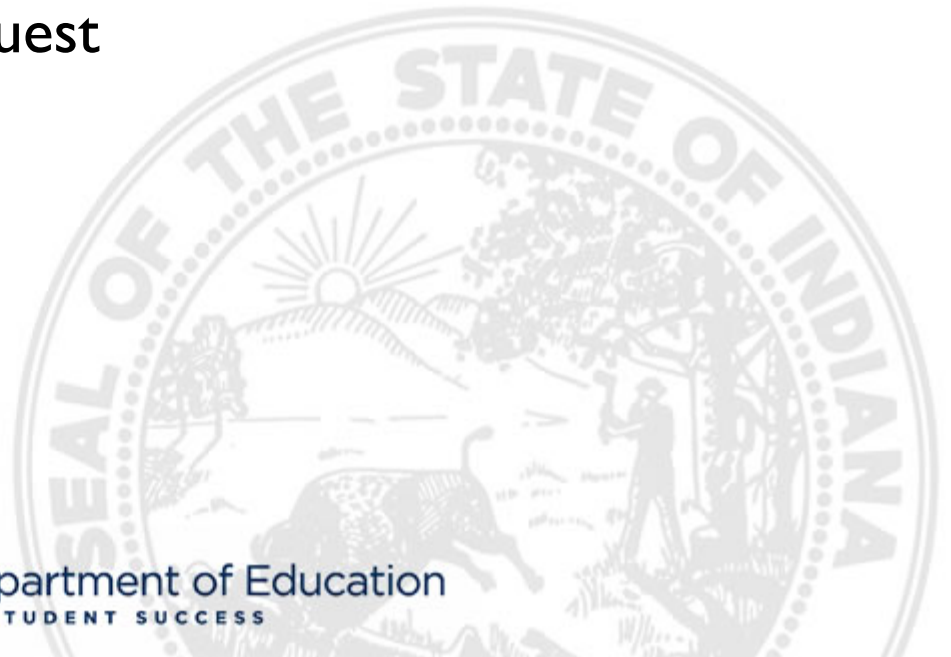
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Rule 43: Related Services, Transitions, Transfer of Rights

- Appointment of Educational Representative
 - Student requests in writing or is certified as unable to provide informed consent for an educational representative to be appointed
 - Must be the parent unless parent is unavailable
 - Student may revoke the request
- Summary of Performance
 - Interests
 - Preferences
 - Strengths



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Rule 44: Discipline Procedures

- Parent Consent is not required for a Disciplinary Change of Placement
 - Parent has the right to challenge
- Any part of a day of suspension is a day of suspension
- Manifestation Determination questions condensed to two:
 - Is the student's misconduct caused by or have a direct and substantial relationship to the student's disability?
 - Is the student's misconduct a direct result of the school's failure to implement the IEP (which includes and BIP)?



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Rule 44: Discipline Procedures

- Protections For Students Not Yet Eligible
 - LEA deemed to have knowledge if any of the following have occurred:
 - The parent of the student has expressed concern in writing to licensed personnel of the appropriate public agency, or a teacher of the student, that the student is in need of special education and related services.
 - The parent of the student or the public agency has requested an evaluation of the student under 511 IAC 7-40-4.
 - The teacher of the student, or other personnel of the public agency, has expressed specific concern about a pattern of behavior demonstrated by the student directly to supervisory personnel of the public agency.



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